CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3205

60th Legislature 2008 Regular Session

Passed by the House March 10, 2008 Yeas 94 Nays 0 Speaker of the House of Representatives Passed by the Senate March 6, 2008 Yeas 49 Nays 0	I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3205 as passed by the House of Representatives and the Senate on the dates hereon set forth.		
			Chief Clerk
		President of the Senate	
Approved	FILED		
	Secretary of State State of Washington		
Governor of the State of Washington			

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3205

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations (originally sponsored by Representatives Jarrett, Walsh, Kagi, Roberts, Hunter, Sullivan, Green, Kelley, Morrell, Chase, McIntire, Seaquist, and Kenney)

READ FIRST TIME 02/11/08.

- 1 AN ACT Relating to promoting the long-term well-being of children;
- 2 amending RCW 13.34.136, 13.34.145, 43.121.185, 43.121.180, 43.121.020,
- 3 43.121.015, and 43.15.020; and creating new sections.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 5 NEW SECTION. Sec. 1. The legislature finds that meeting the needs
- 6 of vulnerable children who enter the child welfare system includes
- 7 protecting the child's right to a safe, stable, and permanent home
- 8 where the child receives basic nurturing. The legislature also finds
- 9 that according to measures of timely dependency case processing, many
- 10 children's cases are not meeting the federal and state standards
- intended to promote child-centered decision making in dependency cases.
- 12 The legislature intends to encourage a greater focus on children's
- 13 developmental needs and to promote closer adherence to timeliness
- 14 standards in the resolution of dependency cases.
- 15 **Sec. 2.** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read
- 16 as follows:
- 17 (1) A permanency plan shall be developed no later than sixty days
- 18 from the time the supervising agency assumes responsibility for

- providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.
 - (2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

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- (a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;
- (b) Unless the court has ordered, pursuant to RCW 13.34.130((4+)) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.
- (i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.
- (ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for

- maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.
 - (iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

- (iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.
- (v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.
- (vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and
- (c) If the court has ordered, pursuant to RCW 13.34.130((+4))) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The

- agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.
- (3) Permanency planning goals should be achieved at the earliest possible date, ((preferably before)). If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.
- (4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.
- (5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.
- (6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).
 - (7) For purposes related to permanency planning:
- (a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.
- 30 (b) "Permanent custody order" means a custody order entered 31 pursuant to chapter 26.10 RCW.
- 32 (c) "Permanent legal custody" means legal custody pursuant to 33 chapter 26.10 RCW or equivalent laws of another state or a federally 34 recognized Indian tribe.
- **Sec. 3.** RCW 13.34.145 and 2007 c 413 s 9 are each amended to read as follows:
- 37 (1) The purpose of a permanency planning hearing is to review the

permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

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- (a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.
- (b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.
- (c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.
- (2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.
- (3) At the permanency planning hearing, the court shall conduct the following inquiry:
- (a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.
- 37 (b) In cases where the primary permanency planning goal has not 38 been achieved, the court shall inquire regarding the reasons why the

- primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:
 - (i) The continuing necessity for, and the safety and appropriateness of, the placement;
 - (ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;
 - (iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;
 - (iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;
 - (v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and
 - (vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:
 - (A) Being returned safely to his or her home;
- 29 (B) Having a petition for the involuntary termination of parental 30 rights filed on behalf of the child;
 - (C) Being placed for adoption;
 - (D) Being placed with a quardian;
- 33 (E) Being placed in the home of a fit and willing relative of the 34 child; or
- 35 (F) Being placed in some other alternative permanent placement, 36 including independent living or long-term foster care.
- 37 <u>At this hearing, the court shall order the department to file a</u> 38 petition seeking termination of parental rights if the child has been

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- in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good
- 3 cause exception as to why the filing of a termination of parental
- 4 rights petition is not appropriate. Any good cause finding shall be
- 5 <u>reviewed at all subsequent hearings pertaining to the child.</u> For
- 6 purposes of this section, "good cause exception" includes but is not
- 7 limited to the following: The child is being cared for by a relative;
- 8 the department has not provided to the child's family such services as
- 9 the court and the department have deemed necessary for the child's safe
- 10 return home; or the department has documented in the case plan a
- 11 <u>compelling reason for determining that filing a petition to terminate</u>
- 12 parental rights would not be in the child's best interests.

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- (c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.
 - (ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.
 - (iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.
 - (d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 ((and 13.34.138)), 13.34.215(5), and 13.34.096.
- 30 (4) In all cases, at the permanency planning hearing, the court 31 shall:
- 32 (a)(i) Order the permanency plan prepared by the agency to be 33 implemented; or
- 34 (ii) Modify the permanency plan, and order implementation of the 35 modified plan; and
- 36 (b)(i) Order the child returned home only if the court finds that 37 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

- 1 (ii) Order the child to remain in out-of-home care for a limited 2 specified time period while efforts are made to implement the 3 permanency plan.
 - (5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.
- 9 (6) Prior to the second permanency planning hearing, the agency 10 that has custody of the child shall consider whether to file a petition 11 for termination of parental rights.
 - (7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.
 - (8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.
 - (9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.
 - (10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of

- the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.
- 4 (11) The approval of a permanency plan that does not contemplate 5 return of the child to the parent does not relieve the supervising 6 agency of its obligation to provide reasonable services, under this 7 chapter, intended to effectuate the return of the child to the parent, 8 including but not limited to, visitation rights. The court shall 9 consider the child's relationships with siblings in accordance with RCW 10 13.34.130.
- 11 (12) Nothing in this chapter may be construed to limit the 12 procedural due process rights of any party in a termination or 13 guardianship proceeding filed under this chapter.
- NEW SECTION. Sec. 4. If specific funding for the purposes of sections 2 and 3 of this act, referencing sections 2 and 3 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 2 and 3 of this act are null and void.
- 19 **Sec. 5.** RCW 43.121.185 and 2007 c 466 s 4 are each amended to read 20 as follows:
- To recognize the focus on home visitation services, ((the Washington council for the prevention of child abuse and neglect is hereby renamed)) the children's trust of Washington is hereby renamed the council for children and families. ((All references to the Washington council for the prevention of child abuse and neglect in the Revised Code of Washington shall be construed to mean the children's trust of Washington.))
- 28 **Sec. 6.** RCW 43.121.180 and 2007 c 466 s 3 are each amended to read 29 as follows:
- (1) Within available funds, the ((children's trust of Washington))

 council for children and families shall fund evidence-based and
 research-based home visitation programs for improving parenting skills
 and outcomes for children. Home visitation programs must be voluntary
 and must address the needs of families to alleviate the effect on child
 development of factors such as poverty, single parenthood, parental

unemployment or underemployment, parental disability, or parental lack of high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes.

- (2) The ((children's trust of Washington)) council for children and families shall develop a plan with the department of social and health services, the department of health, the department of early learning, and the family policy council to coordinate or consolidate home visitation services for children and families and report to the appropriate committees of the legislature by December 1, 2007, with their recommendations for implementation of the plan.
- **Sec. 7.** RCW 43.121.020 and 2007 c 144 s 1 are each amended to read 12 as follows:
 - (1) There is established in the executive office of the governor a ((Washington council for the prevention of child abuse and neglect)) council for children and families subject to the jurisdiction of the governor.
 - (2) The council shall be composed of the chairperson and fourteen other members as follows:
 - (a) The chairperson and six other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. The appointments shall be made on a geographic basis to assure statewide representation. Members appointed by the governor shall serve for three-year terms. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.
 - (b) The secretary of social and health services or the secretary's designee, the superintendent of public instruction or the superintendent's designee, the director of the department of early learning or the director's designee, and the secretary of the department of health or the secretary's designee shall serve as voting members of the council.
 - (c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one

- 1 from each political caucus of the senate to be appointed by the
- 2 president of the senate.

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- 3 **Sec. 8.** RCW 43.121.015 and 1988 c 278 s 4 are each amended to read 4 as follows:
- 5 As used in this chapter, the following terms have the meanings 6 indicated unless the context clearly requires otherwise.
- 7 (1) "Child" means an unmarried person who is under eighteen years 8 of age.
- 9 (2) "Council" means the ((Washington council for the prevention of child abuse and neglect)) council for children and families.
- 11 (3) "Primary prevention" of child abuse and neglect means any 12 effort designed to inhibit or preclude the initial occurrence of child 13 abuse and neglect, both by the promotion of positive parenting and 14 family interaction, and the remediation of factors linked to causes of 15 child maltreatment.
- 16 (4) "Secondary prevention" means services and programs that 17 identify and assist families under such stress that abuse or neglect is 18 likely or families display symptoms associated with child abuse or 19 neglect.
- 20 **Sec. 9.** RCW 43.15.020 and 2006 c 317 s 4 are each amended to read 21 as follows:
 - The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.
- 25 (1) The lieutenant governor serves on the following boards and 26 committees:
 - (a) Capitol furnishings preservation committee, RCW 27.48.040;
- 28 (b) Washington higher education facilities authority, RCW 29 28B.07.030;
- 30 (c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;
 - (d) State finance committee, RCW 43.33.010;
- 33 (e) State capitol committee, RCW 43.34.010;
- 34 (f) Washington health care facilities authority, RCW 70.37.030;
- 35 (g) State medal of merit nominating committee, RCW 1.40.020;
- 36 (h) Medal of valor committee, RCW 1.60.020; and

- 1 (i) Association of Washington generals, RCW 43.15.030.
- 2 (2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:
- 4 (a) Organized crime advisory board, RCW 43.43.858;
- 5 (b) Civil legal aid oversight committee, RCW 2.53.010;
- 6 (c) Office of public defense advisory committee, RCW 2.70.030;
- 7 (d) Washington state gambling commission, RCW 9.46.040;
- 8 (e) Sentencing quidelines commission, RCW 9.94A.860;
- 9 (f) State building code council, RCW 19.27.070;
- 10 (g) Women's history consortium board of advisors, RCW 27.34.365;
- 11 (h) Financial literacy public-private partnership, RCW 28A.300.450;
- 12 (i) Joint administrative rules review committee, RCW 34.05.610;
- (j) Capital projects advisory review board, RCW ((39.10.800))
- 14 <u>39.10.220</u>;
- 15 (k) Select committee on pension policy, RCW 41.04.276;
- 16 (1) Legislative ethics board, RCW 42.52.310;
- 17 (m) Washington citizens' commission on salaries, RCW 43.03.305;
- 18 (n) Oral history advisory committee, RCW 43.07.230;
- 19 (o) State council on aging, RCW 43.20A.685;
- 20 (p) State investment board, RCW 43.33A.020;
- 21 (q) Capitol campus design advisory committee, RCW 43.34.080;
- 22 (r) Washington state arts commission, RCW 43.46.015;
- 23 (s) Information services board, RCW 43.105.032;
- 24 (t) K-20 educational network board, RCW 43.105.800;
- 25 (u) Municipal research council, RCW 43.110.010;
- 26 (v) ((Washington council for the prevention of child abuse and
- 27 neglect)) Council for children and families, RCW 43.121.020;
- 28 (w) PNWER-Net working subgroup under chapter 43.147 RCW;
- 29 (x) Community economic revitalization board, RCW 43.160.030;
- 30 (y) Washington economic development finance authority, RCW 31 43.163.020;
- 32 (z) Tourism development advisory committee, RCW 43.330.095;
- 33 (aa) Life sciences discovery fund authority, RCW 43.350.020;
- 34 (bb) Legislative children's oversight committee, RCW 44.04.220;
- 35 (cc) Joint legislative audit and review committee, RCW 44.28.010;
- 36 (dd) Joint committee on energy supply and energy conservation, RCW
- 37 44.39.015;

- 1 (ee) Legislative evaluation and accountability program committee, 2 RCW 44.48.010;
- 3 (ff) Agency council on coordinated transportation, RCW 47.06B.020;
- 4 (gg) Manufactured housing task force, RCW 59.22.090;
- 5 (hh) Washington horse racing commission, RCW 67.16.014;
- 6 (ii) Correctional industries board of directors, RCW 72.09.080;
- 7 (jj) Joint committee on veterans' and military affairs, RCW 8 73.04.150;
- 9 (kk) Washington state parks centennial advisory committee, RCW 10 79A.75.010;
- 11 (11) Puget Sound council, RCW 90.71.030;
- 12 (mm) Joint legislative committee on water supply during drought,
- 13 RCW 90.86.020;
- 14 (nn) Statute law committee, RCW 1.08.001; and
- 15 (oo) Joint legislative oversight committee on trade policy, RCW
- 16 44.55.020.

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